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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,765	11/17/2003	Salvatore J. Puleo SR.	NATREE 3.1-004US	3342
39428	7590	10/20/2004	EXAMINER	
BRIAN K. JOHNSON, ESQ., LLC. P.O. BOX 209 MIDDLETON, NJ 07748			HAN, JASON	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,765	Applicant(s) PULEO, SALVATORE J.	
	Examiner Jason M Han	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-27 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. This application repeats a substantial portion of prior Application No. 09/978217, now U.S. Patent No. 6648497, filed October 15, 2001, and adds and claims additional disclosure not presented in the prior application. Since this application names an inventor or inventors named in the prior application, it may constitute a continuation-in-part of the prior application. Should applicant desire to obtain the benefit of the filing date of the prior application, attention is directed to 35 U.S.C. 120 and 37 CFR 1.78.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "31 [Figure 2B]" and "38 [Figure 2C]" have both been used to designate the smaller diameter. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "38" has been used to designate both "smaller diameter

Art Unit: 2875

[Figure 2C]" and "radial distance [Figure 3B]". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "213" has been used to designate both "cord [Figure 5A]" and "bottom surface [Figure 5B]". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "342" has been used to designate both "tray edge [Figure

Art Unit: 2875

7]" and "electrical access opening or port [Figure 5A]". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The disclosure is objected to because of the following informalities:
 - a. Page 4, Lines 12-13: grammatical error – "may are";
 - b. Page 4, Lines 20-21: grammatical error – "wheel, the lamp, color wheel and optically transparent cap disposed" is a new thought and sentence. Please consider revising to read, "The lamp, color wheel and optically transparent cap are disposed";
 - c. Page 7, Line 5: incorrect numbering for the diameter at the top of the receptacle;
 - d. Page 8, Line 16: grammatical error – "a" should read as "an";
 - e. Page 8, Line 17: incorrect numbering for the lower average diameter, which should read as "23";
 - f. Page 9, Line 17: grammatical error – "on which";

Art Unit: 2875

- g. Page 12, Line 22: incorrect numbering for the lateral side, which should read as "21";
- h. Page 13, Line 3: incorrect numbering for the volume, which should read as "20";
- i. Page 13, Line 21: incorrect numbering for the lateral surface, which should read as "21";
- j. Amendments to the Specification [Additional disclosure] – Page 6, Line 2: grammatical error – "use" should read as "used";
- k. Amendments to the Specification [Additional disclosure] – Page 11, last sentence: misspelling – "Other".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 7. Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrantonio et al. (U.S. Patent 4858086) in view of Kacheria (U.S. Patent 5779353).
- 8. With regards to Claim 12, Pietrantonio discloses internal illuminated decorative displays including Christmas trees having a shell/stand with an inner volume for housing electrical components [Figure 2: (18)] and a receptacle [Figure 2: (15)] configured to hold a fiber-optic decoration [Figure 2: (10); see also Abstract].

Pietrantonio does not teach the shell/stand further incorporating an additional support or a cover disposed atop the shell as a means for ventilation.

Kacheria teaches a weather-protected lighting apparatus and method whereby lighting fixtures, systems, and method for illuminating optical fibers and surrounding environment incorporate light sources into separate weather-resistant housings that provide improved air flow for cooling the internal light source [see Abstract]. Kacheria corroborates the above teaching via a stand wherein a shell [Figures 1&2: (9)] is coupled to a support system [Figures 1&2: (11)], and a cover [Figures 1&2: (29, 31)] is disposed atop and extended beyond a lateral surface of the shell such that the cover has at least one hole on the cover's downward-facing surface.

It would have been obvious to modify the shell/stand of Pietrantonio to incorporate the weather-protecting method of Kacheria in order to provide appropriate heat dissipation for the shell/stand in addition to the protection from weather extremes, and thus further offering a safer operation.

9. With regards to Claim 13, Pietrantonio further teaches a wreath having a door [Figure 6: (75)] for the need of replacing a light source [Figure 6: (74)]. It would have been obvious to further incorporate such a door on the shell/stand of Pietrantonio so as to provide means for access or repair of the electrical components therein.

10. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrantonio et al. (U.S. Patent 4858086) in view of Kacheria (U.S. Patent 5779353) as applied to Claim 13 above, and further in view of Marzec (U.S. Patent 3660798).

Pietrantonio in view of Kacheria teach a stand with an access door/panel as cited above.

Neither Pietrantonio nor Kacheria teach the access door/panel incorporating a safety mechanism that prevents the access door/panel from being opened when the electrical power is applied to the electrical components of the device.

Marzec teaches an interlock device whereby an electrical access opening/electrical connector prevents the door/panel from being opened when an electrical plug is accepted therein [see Abstract].

It would have been obvious to modify the shell/stand of Pietrantonio with the weather-protecting method of Kacheria to further incorporate the interlock device of Marzec in order to ensure the device is inoperative when accessing the inner components of the device, and thus providing greater safety, especially in the conditions of extreme weather [i.e. wet conditions].

11. Claims 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrantonio et al. (U.S. Patent 4858086) in view of Kacheria (U.S. Patent 5779353) as applied to Claim 13 above, and further in view of Scalza et al. (U.S. Patent 3910617).

Pietrantonio in view of Kacheria teach a stand with an access door/panel as cited above.

Neither Pietrantonio nor Kacheria teach the access door/panel incorporating a safety mechanism that prevents the access door/panel from being opened when the electrical power is applied to the electrical components of the device.

Art Unit: 2875

Scalza teaches a solenoid operated electric strike that may be used in locking a door when power is received by electrical components within the access door. To quote Scalza, "Electrically operable door strikes, also known in the art as electric strikes, electric releases or electric door openers, are well known and are used primarily to control the opening of a door providing access to a space where it is desired to restrict the persons entering such space [Column 1, Lines 11-16].

It would have been obvious to modify the shell/stand of Pietrantonio with the weather-protecting method of Kacheria to further incorporate the solenoid operated electric strike of Scalza in order to ensure the device is inoperative when accessing the inner components of the device, and thus providing greater safety, especially in conditions of extreme weather [i.e. wet conditions].

12. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrantonio et al. (U.S. Patent 4858086) in view of Kacheria (U.S. Patent 5779353) as applied to Claim 13 above, and further in view of Thorne (U.S. Patent 2298518).

Pietrantonio in view of Kacheria teach a stand with an access door/panel as cited above.

Neither Pietrantonio nor Kacheria teach the access door/panel incorporating a safety mechanism that prevents the access door/panel from being opened when the electrical power is applied to the electrical components of the device.

Art Unit: 2875

Thorne teaches an electrical interlock switch that disconnects power in case a door or window is opened while an electrical component is in operation [Column 1, Lines 1-15].

It would have been obvious to modify the shell/stand of Pietrantonio with the weather-protecting method of Kacheria to further incorporate the electrical interlock switch of Thorne in order to ensure the device is inoperative when accessing the inner components of the device, and thus providing greater safety, especially in the conditions of extreme weather [i.e. wet conditions].

13. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrantonio et al. (U.S. Patent 4858086).

Pietrantonio discloses internal illuminated decorative displays including Christmas trees having a shell/stand with an inner volume for housing electrical components [Figure 2: (18)] and a receptacle [Figure 2: (15)] configured to hold a fiber-optic decoration [Figure 2: (10); see also Abstract].

Pietrantonio does not teach the above embodiment having a door.

However, Pietrantonio does teach a different embodiment having a door [Figure 6: (75)] for the need of replacing a light source [Figure 6: (74)].

It would have been obvious to further incorporate such a door on the shell/stand of Pietrantonio so as to provide means for access or repair of the electrical components therein.

Art Unit: 2875

14. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrantonio et al. (U.S. Patent 4858086) in view of Kacheria (U.S. Patent 5779353) as applied to Claim 19 above, and further in view of Marzec (U.S. Patent 3660798).

Pietrantonio in view of Kacheria teach a stand with an access door/panel as cited above.

Neither Pietrantonio nor Kacheria teach the access door/panel incorporating a safety mechanism that prevents the access door/panel from being opened when the electrical power is applied to the electrical components of the device.

Marzec teaches an interlock device whereby an electrical access opening/electrical connector prevents the door/panel from being opened when an electrical plug is accepted therein [see Abstract].

It would have been obvious to modify the shell/stand of Pietrantonio with the weather-protecting method of Kacheria to further incorporate the interlock device of Marzec in order to ensure the device is inoperative when accessing the inner components of the device, and thus providing greater safety, especially in the conditions of extreme weather [i.e. wet conditions].

15. Claims 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrantonio et al. (U.S. Patent 4858086) in view of Kacheria (U.S. Patent 5779353) as applied to Claim 19 above, and further in view of Scalza et al. (U.S. Patent 3910617).

Pietrantonio in view of Kacheria teach a stand with an access door/panel as cited above.

Neither Pietrantonio nor Kacheria teach the access door/panel incorporating a safety mechanism that prevents the access door/panel from being opened when the electrical power is applied to the electrical components of the device.

Scalza teaches a solenoid operated electric strike that may be used in locking a door when power is received by electrical components within the access door. To quote Scalza, "Electrically operable door strikes, also known in the art as electric strikes, electric releases or electric door openers, are well known and are used primarily to control the opening of a door providing access to a space where it is desired to restrict the persons entering such space [Column 1, Lines 11-16].

It would have been obvious to modify the shell/stand of Pietrantonio with the weather-protecting method of Kacheria to further incorporate the solenoid operated electric strike of Scalza in order to ensure the device is inoperative when accessing the inner components of the device, and thus providing greater safety, especially in conditions of extreme weather [i.e. wet conditions].

16. Claims 20 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrantonio et al. (U.S. Patent 4858086) in view of Kacheria (U.S. Patent 5779353) as applied to Claim 19 above, and further in view of Thorne (U.S. Patent 2298518).

Pietrantonio in view of Kacheria teach a stand with an access door/panel as cited above.

Neither Pietrantonio nor Kacheria teach the access door/panel incorporating a safety mechanism that prevents the access door/panel from being opened when the electrical power is applied to the electrical components of the device.

Thorne teaches an electrical interlock switch that disconnects power in case a door or window is opened while an electrical component is in operation [Column 1, Lines 1-15].

It would have been obvious to modify the shell/stand of Pietrantonio with the weather-protecting method of Kacheria to further incorporate the electrical interlock switch of Thorne in order to ensure the device is inoperative when accessing the inner components of the device, and thus providing greater safety, especially in the conditions of extreme weather [i.e. wet conditions].

17. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrantonio et al. (U.S. Patent 4858086) in view of Scalza et al. (U.S. Patent 3910617).

Pietrantonio discloses internal illuminated decorative displays including Christmas trees having a holder with an inner volume for housing electrical components [Figure 2: (18)] and a receptacle [Figure 2: (15)] configured to hold a fiber-optic decoration [Figure 2: (10); see also Abstract]. Pietrantonio further teaches a different embodiment having a door [Figure 6: (75)] for the need of replacing a light source [Figure 6: (74)]. It would have been obvious to further incorporate such a door on the shell/stand of Pietrantonio so as to provide means for access or repair of the electrical components therein.

Pietrantonio does not teach the access door/panel incorporating a safety mechanism that prevents the access door/panel from being opened when the electrical power is applied to the electrical components of the device.

Scalza teaches a solenoid operated electric strike that may be used in locking a door when power is received by electrical components within the access door. To quote Scalza, "Electrically operable door strikes, also known in the art as electric strikes, electric releases or electric door openers, are well known and are used primarily to control the opening of a door providing access to a space where it is desired to restrict the persons entering such space [Column 1, Lines 11-16].

It would have been obvious to modify the holder of Pietrantonio with the solenoid operated electric strike of Scalza in order to ensure the device is inoperative when accessing the inner components of the device, and thus providing greater safety, especially in conditions of extreme weather [i.e. wet conditions].

18. Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pietrantonio et al. (U.S. Patent 4858086) in view of Thorne (U.S. Patent 2298518).

Pietrantonio discloses internal illuminated decorative displays including Christmas trees having a holder with an inner volume for housing electrical components [Figure 2: (18)] and a receptacle [Figure 2: (15)] configured to hold a fiber-optic decoration [Figure 2: (10); see also Abstract]. Pietrantonio further teaches a different embodiment having a door [Figure 6: (75)] for the need of replacing a light source [Figure 6: (74)]. It would have been obvious to further incorporate such a door on the

Art Unit: 2875

shell/stand of Pietranonio so as to provide means for access or repair of the electrical components therein.

Pietranonio does not teach the access door/panel incorporating a safety mechanism that prevents the access door/panel from being opened when the electrical power is applied to the electrical components of the device.

Thorne teaches an electrical interlock switch that disconnects power in case a door or window is opened while an electrical component is in operation [Column 1, Lines 1-15].

It would have been obvious to modify the holder of Pietranonio with the electrical interlock switch of Thorne in order to ensure the device is inoperative when accessing the inner components of the device, and thus providing greater safety, especially in the conditions of extreme weather [i.e. wet conditions].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art pertinent to the current application:

U.S. Patent 1999579 to Squier;	U.S. Patent 2279182 to Snyder;
U.S. Patent 2416802 to ROUNG;	U.S. Patent 3141713 to Kauffman;
U.S. Patent 3536908 to Oster;	U.S. Patent 3766376 to Sadazza et al.;
U.S. Patent 4097917 to McCaslin;	U.S. Patent 4428988 to Adinamis;
U.S. Patent 4747022 to Lin;	U.S. Patent 4825586 to Coppedge;

Art Unit: 2875

U.S. Patent 5104608 to Pickering; U.S. Patent 5109323 to Waycaster;
U.S. Patent 5121897 to Sofy; U.S. Patent 5230555 to Stephenson et al.;
U.S. Patent 5484180 to Helmar; U.S. Patent 5508901 to Kuo;
U.S. Patent 5510964 to Splitter et al.; U.S. Patent 5526249 to Karasawa et al.;
U.S. Patent 5655877 to Yu; U.S. Patent 5688040 to Klees;
U.S. Patent 5702170 to Broderick; U.S. Patent 5707037 to Pastrick;
U.S. Patent 5722763 to Chen; U.S. Patent 5829863 to Gutshall;
U.S. Patent 6017142 to Harris, Jr.; U.S. Patent 6030093 to Draper;
U.S. Patent 6039453 to Wang; U.S. Patent 6050714 to Isabella;
U.S. Patent 6128854 to Chaney; U.S. Patent 6299225 to Chang;
U.S. Patent 6382582 to Brown; U.S. Patent 6386728 to Colonna;
U.S. Patent 6438879 to Kao; U.S. Patent 6739746 to Tang.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M Han whose telephone number is (571) 272-2207. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMH



JOHN ANTHONY WARD
PRIMARY EXAMINER